

**THE SUGAR (RESERVE FUNDS) ACT**

**ARRANGEMENT OF SECTIONS**

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## THE SUGAR (RESERVE FUNDS) ACT

[1st January, 1947.]

Cap. 373.  
Laws  
32 of 1953,  
45 of 1954.  
Acts  
30 of 1963,  
42 of 1969  
3rd Sch.,  
28 of 2003  
S. 2.

1. This Act may be cited as the Sugar (Reserve Funds) Act. Short title
2. In this Act unless the context otherwise requires— Interpretation.
- “crop year” means the period of twelve months commencing on the 1st of December in each year and ending on the 30th of November in the succeeding year. 32/1953  
S. 2.
- “exporter” means any person who is the holder of an export licence under the Sugar Industry Control Act; 30/1963  
S 2 (b)
- “the Minister” means the Minister responsible for the sugar industry. 30/1963  
S 2 (b)
- 3.—(1) There are hereby created a Sugar Price Stabilization Fund, a Sugar Industry Capital Rehabilitation Fund and a Sugar Industry Labour Welfare Fund. Establishment of Funds  
45/1954  
S. 4 (a)(b)
- (2) In addition to the Funds created by subsection (1) there is hereby created a Sugar Workers Pensions Fund for providing pensions and other superannuation benefits, subject to such conditions as may be prescribed, to workers, including casual workers, in the sugar industry of this Island. 45/1954  
S. 4 (c).
- 4.—(1) Every exporter who either exports any sugar to which this section applies from Jamaica pursuant to any sale or agreement to sell or with a view to sale, or sells any sugar to which this section applies for export, shall, within Exporter to pay part of proceeds of sale of sugar to Government of Jamaica  
32/1953  
S. 3 (a)(b)

such time as may be prescribed, after the receipt, whether in Jamaica or elsewhere, by himself or by any person on his behalf of any moneys—

- (a) in respect of the sale of such sugar; or
- (b) in the event of such sugar being lost, stolen, damaged or destroyed before the property in such sugar passes to any purchaser thereof, under any policy of insurance in relation to such sugar,

pay or cause to be paid in such manner as may be prescribed to the Government of Jamaica out of such moneys the appropriate statutory deduction in respect of each ton of sugar so exported, sold for export or lost, stolen, damaged or destroyed.

(2) Where any exporter fails or neglects to pay or cause to be paid to the Government of Jamaica any sum required to be so paid or caused to be paid by him pursuant to the provisions of subsection (1) such sum shall be recoverable as a civil debt in an action by the Attorney-General on behalf of the Government of Jamaica.

(3) This section applies to sugar of the following categories, that is to say—

- (a) sugar sold or to be sold at a price negotiated annually pursuant to an agreement entered into between the Ministry of Food on behalf of Her Majesty's Government in the United Kingdom and, *inter alia*, the British West Indies Sugar Association (Inc.) on behalf of the sugar industries and exporters in the British West Indies, and signed on the 21st day of December, 1951;
- (b) other sugar sold or to be sold at a price per ton free on board exceeding the net price per ton free on board of the sugar referred to in paragraph (a). In this paragraph the expression "net price per ton" means the sum obtained by deducting the appro-

32/1953  
S. 3 (c).

appropriate statutory deduction (as defined in subsection (4) ) from the current price per ton free on board of the sugar in respect of which the term is used.

(4) In this section “the appropriate statutory deduction” means, in relation to sugar of either of the categories described in subsection (3), such sum as has been declared under section 5 to be the statutory deduction in respect of sugar of that category for the crop year in which such sugar is manufactured.

32/1953  
S. 3 (c).  
45/1954  
S. 5.

5.—(1) Subject to the provisions of subsection (2) of this section, the Minister in each crop year shall by order declare—

Statutory  
deductions.  
32/1953  
S. 4.

- (a) the statutory deduction for such crop year in respect of sugar of each of the categories described in subsection (3) of section 4; and
- (b) the sums, if any, to be credited to each of the Funds constituted under this Act from such statutory deductions.

(2) The statutory deduction for any crop year in respect of sugar of the category described in paragraph (b) of subsection (3) of section 4 shall not exceed the statutory deduction for that crop year in respect of sugar of the category described in paragraph (a) of the said subsection.

6. The Government of Jamaica shall credit to each of the Funds constituted under this Act the appropriate proportion, if any, of the moneys received by it under section 4, so, however, that all of the moneys so received shall be credited to one or more of such Funds.

Disposal of  
moneys.

7. The Minister may at any time transfer from one Fund to another all or any of the moneys credited to any of the Funds constituted under this Act

Power of  
Minister to  
transfer  
moneys  
from one  
Fund to  
another.  
45/1954  
S. 7

## 8. [Deleted by Act 28 of 2003, S. 2.]

Regulations.

9.—(1) The Minister may make regulations for the better carrying out of this Act and in particular but without prejudice to the generality of the foregoing power—

- (a) requiring exporters to furnish to such authority in such form and at such time such returns containing such information relating to the exportation and to the sale by them or on their behalf of any sugar as may be prescribed;
- (b) requiring exporters to produce any books of account kept by them, or any invoices, bills of lading or other documents in their possession or under their control relating to the exportation or sale of any sugar for inspection by such authority within such period and at such place as may be prescribed;
- (c) for the administration, investment and management of any moneys credited to any Fund established under this Act and for the auditing of any accounts in relation to such Fund;
- (d) for the disbursement of any moneys for the time being standing to the credit of any of the Funds created under this Act;
- (e) prescribing all things permitted by this Act to be prescribed.

(2) Regulations under this section may be made with retrospective effect to the date upon which this Act was deemed to have come into operation.

(3) Regulations made under this section shall be subject to negative resolution of the House of Representatives.

10. Every exporter who contravenes or fails to comply with the provisions of this Act or of any regulations made thereunder shall, upon summary conviction before a Resident Magistrate, be liable to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for any term not exceeding twelve months. Penalty.

11.—(1) The Prime Minister may by order depute any Minister other than the Minister charged with the responsibility for the subject of the sugar industry to perform any of the duties and exercise any of the powers (including the power to make regulations) which are conferred or imposed by this Act upon the Minister last mentioned. Functions  
may be per-  
formed by  
other  
Minister.  
30/1963  
S. 3.

(2) Notwithstanding the making of any order under this section, the Minister charged with the responsibility for the subject of the sugar industry may continue to exercise the powers and perform the duties conferred or imposed upon him by this Act and his responsibility for the subject of the sugar industry shall not be affected by such order.